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Assessing Five Years of the African Continental Free Trade Area (AfCFTA): Proposals on Potential Amendments

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ASSESSING FIVE YEARS OF THE AFRICAN CONTINENTAL FREE TRADE AREA (AFCFTA): PROPOSALS ON POTENTIAL AMENDMENTS*

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* It is key to note that the think piece is not aimed at criticizing the AfCFTA, but rather to point out the key issues that should be reimagined if the AfCFTA's aspirations are to be achieved. The author is thankful to Dr. Carlos Correa (the Executive Director of South Centre) and Ms. Vahini Naidu (the Program Coordinator of the Trade for Development Program at the South Centre) for review of the paper. The views in this paper are entirely the author's and do not reflect those of the South Centre.

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ABSTRACT

On 30th May 2024, the African Continental Free Trade Area (AfCFTA) celebrated its fifth anniversary, which legally implied that the agreement is up for review for possible amendments. To kickstart this review, the Thirty-Seventh Ordinary Session of the African Union Summit (held in February 2024) directed the AfCFTA Secretariat to take necessary measures for the start of the review of the Agreement. This review comes at a moment when the AfCFTA implementation and its vehicle, the Guided Trade Initiative (GTI), have been fraught with challenges. Broadly, these challenges include the slow submission of tariff liberalization schedules by State Parties, infrastructure deficits, persistent non-tariff barriers and trade wars in regional economic communities, and overlapping regional trade commitments. Thus, the upcoming AfCFTA review provides an opportunity to assess progress, identify implementation bottlenecks, and propose actionable amendments. This paper examines these challenges through a comprehensive analysis of the AfCFTA's state of play, illuminating the progress while highlighting the slow momentum registered for the past five years of its operation. Proposals for the agreement's amendment revolve on accelerating infrastructure development, harmonizing rules of origin, integrating labor rights, and fostering industrial diversification. By moving beyond liberalization as its *raison d'être* and prioritizing the scaling up of State Parties' productive capacities, the AfCFTA can evolve from a mere trade liberalization agreement into a transformative driver of Africa's economic renaissance. It is hoped that this timely assessment underscores the urgency of reorienting the AfCFTA to unlock its full potential for propelling intra-Africa trade.

Le 30 mai 2024 a marqué le cinquième anniversaire de la Zone de libre-échange continentale africaine (ZLECAf), ce qui suppose, sur le plan juridique, que l'accord qui lui a donné naissance doit faire l'objet d'un réexamen en vue de l'adoption d'éventuels amendements. La trente-septième session ordinaire du Sommet de l'Union africaine (qui s'est tenue en février 2024) a donc demandé au Secrétariat de la ZLECAf de prendre les mesures nécessaires à son lancement. Ce réexamen intervient à un moment où la mise en œuvre de la ZLECAf et de son mécanisme, l'Initiative dite de commerce guidé, sont confrontés à de nombreux défis liés au retard pris par les États parties dans la soumission des listes de libéralisation tarifaire, au manque d'infrastructures, à la persistance de barrières non tarifaires, à la guerre commerciale que se livrent les pays au sein des communautés économiques régionales et aux contradictions nées des multiples engagements commerciaux régionaux. Ainsi, l'examen à venir de la ZLECAf sera l'occasion d'évaluer les progrès accomplis, d'identifier les points de blocage en ce qui concerne la mise en œuvre, et de proposer des amendements qui soient applicables. Le présent document examine ces défis au travers d'une analyse complète de l'état d'avancement des travaux de la ZLECAf, en mettant en lumière les progrès réalisés tout en soulignant le manque de dynamisme observé au cours des cinq dernières années de son fonctionnement. Les propositions d'amendement à l'accord portent sur l'accélération du développement des infrastructures, l'harmonisation des règles d'origine, l'intégration des droits du travail et la promotion de la diversification industrielle. En dépassant le simple cadre de la libéralisation, qui est sa raison d'être, et en donnant la priorité au renforcement des capacités productives des États parties, la ZLECAf peut passer d'un simple accord de libéralisation du commerce à un moteur de transformation à même de favoriser l'essor économique de l'Afrique. Il est à souhaiter que ce réexamen fasse apparaitre la nécessité urgente de réorienter la mission de la ZLECAf afin de libérer tout son potentiel et stimuler le commerce intra-africain.

El 30 de mayo de 2024, el Área de Libre Comercio Continental Africana (AfCFTA, por sus siglas en inglés) celebró su quinto aniversario, lo que legalmente implica que el acuerdo está sujeto a revisión para posibles enmiendas. Para iniciar esta revisión, la Trigésima Séptima Sesión Ordinaria de la Cumbre de la Unión Africana (celebrada en febrero de 2024) instruyó a la Secretaría del AfCFTA a tomar las medidas necesarias para comenzar la revisión del Acuerdo. Esta revisión ocurre en un momento en que la implementación del AfCFTA y su vehículo, la Iniciativa de Comercio Guiado (GTI, por sus siglas en inglés), se han visto afectadas por numerosos desafíos. En términos generales, estos desafíos incluyen la lentitud en la presentación de los calendarios de liberalización arancelaria por parte de los Estados Parte, los déficits de infraestructuras, la persistencia de barreras no arancelarias y guerras comerciales en las comunidades económicas regionales, y el solapamiento de los compromisos comerciales regionales. Por lo tanto, la próxima revisión del AfCFTA brinda la oportunidad de evaluar los avances, identificar los cuellos de botella en la aplicación y proponer enmiendas viables. Este documento examina estos desafíos mediante un análisis exhaustivo del estado actual del AfCFTA, iluminando los avances y destacando la lenta dinámica registrada durante los últimos cinco años de su operación. Las propuestas para enmendar el acuerdo giran en torno a acelerar el desarrollo de infraestructura, armonizar las reglas de origen, integrar los derechos laborales y fomentar la diversificación industrial. Al ir más allá de la liberalización como su razón de ser y priorizar la ampliación de las capacidades productivas de los Estados Parte, el AfCFTA puede evolucionar de un mero acuerdo de liberalización comercial a un motor transformador del renacimiento económico de África. Se espera que esta oportuna evaluación subraye la urgencia de reorientar el AfCFTA para liberar todo su potencial de impulso del comercio intraafricano.

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1. INTRODUCTION

According to Article 28 of the Agreement establishing the African Continental Free Trade Area (AfCFTA), “the agreement shall be subject to review every 5 years after its entry into force, by State Parties to ensure its effectiveness, achieve deeper integration, and adapt to evolving regional and international developments” (African Union, 2018a). Upon review, AfCFTA State Parties further commit to “make recommendations for amendments taking into account the experience acquired and progress achieved during the implementation of the AfCFTA” (African Union, 2018a). With the AfCFTA entering into force on 30th May 2019 (African Union, 2024d), 30th May 2024 has marked the pact’s 5th anniversary, and would legally mean that the agreement will be subject to review for possible amendments. In support of this, under decision 902(XXXVII), the Thirty-Seventh Ordinary Session of the African Union Summit (held in February 2024) directed the AfCFTA Secretariat to take necessary measures for the start of the review of the Agreement (African Union, 2024b).

There are different opinions concerning the efficacy of subjecting the AfCFTA to review, when it has yet to be fully implemented, and has ongoing negotiations on different Annexes of its associated Protocols. “There won’t be much to review because no meaningful trade has happened yet”, argues the critics who think that the AfCFTA review is premature. Another group argues that this review is timely to identify the limitations to the AfCFTA implementation as this would lead to the development of measures that would grease the agreement’s full-throttle implementation. This think piece adopts the latter argument by assessing the five years of the AfCFTA implementation, teasing out the successes, identifying the key limitations to its implementations and proposing possible amendments which are necessary for the calibration of the Agreement’s implementation.

2. An Ambitious Agreement: What is the AfCFTA and its objectives?

One of the fundamental pillars defining regional integration is the Abuja Treaty of 1991 which pushes for the establishment of the African Economic Community (AEC) by bringing together the eight Regional Economic Communities (RECs) recognized as its building blocks. In a bid to bolster the continent's economic integration agenda, the 18th ordinary session of the African Union (AU) Heads of State and Government adopted a decision to establish a Continental Free Trade Area (African Union, 2024a). Subsequently, after ten (10) negotiation rounds, the Agreement establishing the AfCFTA was adopted by the 10th Extraordinary Meeting of the Heads of State of the African Union held on 21st March 2018 in Kigali, Rwanda (Habte, 2020). The AfCFTA is considered one of the flagships of Agenda 2063 and seeks to create a single market for goods and services and to lay the foundations for the establishment of a Continental Customs Union, all of which are key preconditions for the establishment of the AEC.

Numerically, the AfCFTA creates a single market of over 1.3 billion people with a combined Gross Domestic Product (GDP) of over $3.4 trillion (ITC, 2022), and is expected to boost intra-Africa trade by 53% (41.1% in Agrifood, 39.2% in services, and 39% in industry) (UNECA, 2021), grow Africa's manufacturing sector by $1 trillion (World Bank, 2022), generate income worth $470 billion by 2035 (Bekele-Thomas, 2023), create 14 million jobs and remove 50 million Africans out of poverty (UNECA & TMEA, 2020). It is also projected that with the AfCFTA implementation, cargo transported by vessels would increase from 58 million to 132 million tons annually (UNCTAD, 2021a), with Comoros, Gabon, Gambia, Ghana, Madagascar, Mauritius, Mozambique, Namibia and Somalia likely to experience a surge in traffic through their ports by 2030 (UNECA, 2022).

Numbers aside, the AfCFTA can provide momentum towards the consolidation of regional economic communities with more communities having to align themselves to its provisions. This will result in new markets for African firms as long as they can benefit from preferential trade margins compared with foreign competitors, highlighting the crucial role of the enforcement of rules of origin in this regard. Furthermore, as tariffs and non-tariff barriers decline on the continent, there will be increased competitive pressures on firms in Africa to compete in non-price dimensions such as quality and differentiated marketing strategies based on branding that may involve, for example, the use of geographical indicators of origin and voluntary sustainability standards.

3. LIBERALIZATION UNDER AFCFTA

Tariff concessions are the most important component under the AfCFTA Phase 1 negotiations. Under the AfCFTA, products are assigned to three (3) product groups/lists, namely: 'Non-sensitive' products, 'Sensitive' products and the 'Exclusion List.' Sensitive products are those products of strategic national importance and whose liberalization (opening up) would have an immediate negative impact on the citizens, especially workers, and the private sector among others. Products which are often earmarked under the sensitive list are those which are often considered vital for food and nutrition security, rural development and infant industry development (especially the capacity to employ local workforce). Thus, such products are always either progressively liberalized (usually over a range of 10-15 years) or excluded (not liberalized at all). Under the AfCFTA Protocol on trade in goods, 90% of tariff lines have been liberalized for non-sensitive products (with least developed countries (LDCs) given a 10-year phase down while non-LDCs are given 5 years), while 7% tariff lines have been agreed for sensitive products, with LDCs and non-LDCs given a 13 and 10-year phasedown respectively (United Nations, 2020). Only 3% of tariff lines have been excluded for liberalization (United Nations, 2020), thus setting the overall tariff liberalization level under the AfCFTA at 97%. The total value of these imports (for products under the exclusion list) must not exceed 10% of the value of all imports from within the AU.

Tariff Elimination Modalities	Coverage %		Transition Period	
	Tariff Lines	Import Value	non-LDCs	LDCs
Category A products	90		5 years	10 years
Sensitive products	7	90	10 years	13 years
Excluded products	3	10	No liberalization	No liberalization

Table 1. Schedule of Tariff Concessions. Source: Author's compilation

Concerning trade in services, AfCFTA State Parties have agreed to liberalize five (5) priority sectors i.e., Financial Services, Transport, Communication, Tourism and Professional Services. These are broken down into sub-sectors in the table below.

Priority Area	Specific Categories/Sectors
Financial Services	All Insurance and Insurance related; Banking and other financial services
Transport	Maritime; Internal Waterway; Air Space; Rail; Road; Pipeline; Services auxiliary to transport
Communication	Postal; Courier; Telecommunication; Audiovisual
Tourism	Hotels and Restaurants; Travel agencies and tour operators; Tourist guide services
Professional Services	Legal; Accounting; Taxation; Architectural; Engineering; Urban Planning; Veterinary; Medical & Physio-therapies

Table 2. Specific categories of services for liberalization under AfCFTA. Source: Author's compilation

4. A SLOW START? STATE OF PLAY OF AFCFTA NEGOTIATIONS AND IMPLEMENTATION

Right at its adoption by the 10th Extraordinary Meeting of the Heads of State of the African Union held in Kigali in 2018, there was a clear indication of difference in commitment by AU Member States towards the AfCFTA. During the Summit, 44 out of the 55 AU Member States signed the Agreement establishing the AfCFTA, 47 signed the Kigali Declaration and 30 signed the Protocol on Free Movement of Persons, Right to Residence and Right to Establishment (Tralac, 2018). At that time, there was a lot of cherry-picking with countries signing just one or two of the three texts. For example, key economies like South Africa, Nigeria, and Tanzania did not sign the Agreement establishing the AfCFTA, while others like Egypt, Morocco, Mauritius and Ethiopia among others did not sign the Protocol on Free Movement of Persons (African Union, 2018c). As of November 2024, 54 out of 55 African countries have signed the AfCFTA, of which 48 State Parties have ratified and submitted their instruments of ratification to the African Union Commission (AUC). Only Eritrea has yet to either sign or ratify the AfCFTA as she believes in first nurturing the Regional Economic Communities (RECs) to make them work before scaling it up to the AfCFTA (Kidane, 2021). “Eritrea's government's premier agenda is to activate the regional economic grouping then, after fully harnessing the resources of the sub-region, the government could join the continental trade area” (Kidane, 2021). Currently, Niger, Guinea, Mali, Burkina Faso, and Sudan are suspended from the AfCFTA trading regime.

Concerning trade in goods, as of February 2024, the number of adopted Provisional Schedules of Tariff Concessions for market access has risen to 45 from 42 (African Union, 2024e). Under Trade in Services, twenty-two (22) Schedules of Specific Commitment have been adopted covering five (5) priority sectors (African Union, 2024e). The tariff elimination schedule of the AfCFTA is gradual, and the process will not be completed until 2034 (Mold & Mangeni, 2024). Rules of origin have been agreed upon except for vehicles, textiles and clothing (Mold & Mangeni, 2024). Furthermore, additional legal instruments including the AfCFTA Protocols on Investment, Intellectual Property Rights, Competition Policy and Digital Trade have been incorporated into the AfCFTA framework and are awaiting ratification by AfCFTA State Parties at the national level, and will enter into force 30 days after the deposit of the twenty-second (22nd) instrument of ratification for each respectively.

Whereas there are fault lines in the AfCFTA implementation, the pact stands out as the most rapidly ratified legal instrument by the Member States since the inception of the African Union (African Union, 2024e). On the 1st of January 2021, duty-free trading under the AfCFTA officially commenced after a decision was adopted by the 13th Extra-Ordinary Session of the Assembly of the AU on the AfCFTA (Kuwonu, 2021). This decision has been catalyzed by the AfCFTA Guided Trade Initiative (GTI).

5. The AfCFTA Guided Trade Initiative (GTI): An Initiative within an Initiative?

Whereas legal trading under the AfCFTA began on 1st January 2021, there was no actual take-off because negotiations were (and are) still ongoing on several technical instruments, such as the annexes on rules of origin (RoO), national schedules of tariff concessions on goods, and national schedules of specific commitments on services. All these are essential to complete and operationalize the Phase I instruments (trade in goods and services) in full. Therefore, to remove the stalemate, on 10th October 2021, the Ministerial Directive of the 7th Meeting of the AfCFTA Council of Ministers responsible for Trade, provided a legal basis for the countries that had submitted their tariff schedules, per the agreed modalities, to trade preferentially amongst themselves (Tralac, 2024a), giving birth to the GTI whose launch was on 7th October 2022. The primary goal of the GTI is to test the operational, institutional, legal and trade policy environment under the AfCFTA. Specifically, the GTI has four objectives i.e., demonstrate the efficiency of the legal framework of the AfCFTA instruments; obtain feedback on the effectiveness of the legal and institutional national systems in the participating countries; test the readiness of the private sector to participate in trade under the AfCFTA; and identify possible future interventions to increase intra-African trade and maximise the benefits of the AfCFTA (Tralac, 2024a). The GTI intends to achieve its goal through matchmaking businesses and products for export and import between these interested State Parties in coordination with their national AfCFTA implementation committees.

At its inception, the GTI phase attracted the participation of eight (8) State Parties i.e., Cameroon, Egypt, Ghana, Kenya, Mauritius, Rwanda, Tanzania and Tunisia and focused on several products including ceramic tiles, batteries, tea, coffee, processed meat products, corn starch, sugar, pasta, glucose syrup, dried fruits, and sisal fiber (Walakira & Mushiri, 2023). These products were selected in line with the AfCFTA's focus on value chain development. This saw countries like Kenya flag off consignments of batteries and tea to Ghana, with Ghana subsequently opening a Ghana Trade House in 2023, whose main goal is to promote Ghanaian exports and enhance trade relationships within the continent (Ghana High Commission in Kenya, 2023). In 2023, the scope of the GTI was broadened with the view to unlocking trade and investment opportunities in both product and country coverage, with 35 countries showing interest in joining the initiative (African Union, 2024e).

Region	**Updated list of Countries participating under the GTI**
East Africa	Burundi, Kenya, Tanzania, Uganda, and Rwanda
Central Africa	Cameroon, Central African Republic, Democratic Republic of the Congo (DRC), Congo (Brazzaville), Equatorial Guinea and Gabon
North Africa	Algeria, Egypt, Tunisia and Morocco
Southern Africa	Angola, Botswana, Malawi, Namibia, South Africa and Zimbabwe
West Africa	Côte d'Ivoire, Ghana, Nigeria, Senegal and Togo
Island States	Cabo Verde, Comoros, Madagascar, Mauritius and Seychelles

Table 3. Updated list of Countries (in each region) participating under the GTI. Source: Author's compilation

In terms of product scope, this has been broadened to include mushrooms, flowers, biopesticides, powdered milk, fish oil, frozen tuna, mineral and chemical fertilizers, essential oils, packaged moringa, fortified maize porridge, honey, nut butter, fruit jams, tea, coffee, meat products, beverages, milling (flour and maize meal), pasta, and fabric (material) (African Union, 2024e).

Apart from Kenya, other notable exports under the GTI include Cameroon's exports of tea, sunflower and dried pineapples to Tunisia (Commonwealth Enterprise & Investment Council, 2023). Tunisia has also (as of October 2023) registered nineteen (19) export operations to Ghana, Cameroon and Tanzania carried out by Tunisian companies covering various sectors such as construction, agri-food and the chemical industry, with a reduction in customs rates thanks to the application of the AfCFTA Agreement (GIZ, 2024). As of December 2023, thirty-seven (37) AfCFTA certificates of origin have been issued by Tunisia's Chambers of Commerce and Industry (GIZ, 2024). Ghana has also seen over fourteen (14) companies engaged in forty (40) trades under the GTI (CUTS-ARC, 2023b), while Tanzania issued certificates of origin for a shipment of coffee to Algeria (Erasmus, 2024), and the first AfCFTA Certificate of Origin for Rwanda was issued to Igire Coffee Company for coffee products destined to Ghana (CUTS-ARC, 2023a). Furthermore, on 31st January 2024, the first consignment of refrigerators, home appliances and mining equipment left South Africa for Kenya (Tralac, 2024b). Therefore, there have been some commendable efforts in trading under the AfCFTA GTI.

6. Navigating Strong Trade Winds: Why has the AfCFTA implementation dragged on?

As earlier noted, even with the official launch of trading under the AfCFTA regime, there was reluctance by the State Parties to commence trading under the regime. Even with the commendable consignments traded under the GTI, significant trading is yet to be registered. Indeed, a clear read of the African Union assessment report of the AfCFTA implementation reveals no quantifiable achievements in terms of volumes and value that have been registered under the GTI. The wobbly take-off of trading under the AfCFTA regime is due to several reasons, both technical and practical. One of the factors responsible for the slow uptake of trading under the AfCFTA regime is the potential revenue losses associated with trade liberalization. It is key to note that the AfCFTA rising tide won't lift all boats of African economies. Some countries will experience a reduction in their income due to increased competition and loss of tariff revenue while for local industries in weaker economies, effects could be worse as a result of trade diversion. The winners will be mostly large economies while smaller and fragile economies, micro-, small and medium-sized enterprises (MSMEs), small-scale producers, and informal cross-border traders will need additional support to be able to reap the AfCFTA benefits.

One of the key impediments to implementation of the AfCFTA by State Parties is the fear of revenue losses due to tariff liberalization. The Computable General Equilibrium (CGE) model-based analysis assumes that full liberalization of all tariffs on all products will lead to the largest gains (in terms of increased exports) for South Africa - \$5.7 billion, Nigeria - \$2 billion, and Kenya - \$1.3 billion (UNCTAD, 2016). However, as much as the AfCFTA is projected to boost economic growth, it is likely to be associated with costs like potential revenue losses, as its benefits may not be evenly distributed across and within countries. It is projected that the losses range from 0.03% to 0.22% of GDP (or about \$1 billion to \$7 billion) for the continent (Abrego *et al.*, 2020). For the East African Community (EAC), potential revenue losses are projected at \$4.1 billion in the short run depending on the quantities of imported goods involved (Saygili, Peters, & Knebel, 2019). In absolute amounts, Kenya will incur the largest tariff revenue loss of \$14.2 million, followed by Uganda at \$13.5 million, Tanzania at \$5.3 million, Burundi at \$4.3 million and finally Rwanda at \$3.9 million (Bulime, Nattabi, & Shinyekwa, 2020). Loss of this critical revenue will limit the provision of critical social services by the affected countries, which could also lead to increased tax burden and indebtedness as the countries forge a way of plugging the revenue deficit. With the majority of African countries still struggling to increase their domestic resource mobilization and largely dependent on import and export taxes, this has created a drag on the implementation of their AfCFTA liberalization commitments.

A widely stated assumption by trade commentators is that the above evident revenue losses will be offset by increased trade among State Parties. These simulations are informed by the orthodox theory of comparative advantage, which theorizes that each country will find a competitive area of production with which to trade, balancing out trade inequalities in the longer term. However, this argument is rather academic as this trading depends on several factors which are still impeding intra-African trade. These are discussed below.

a) Poor Transport and Logistics Network: The cost of transporting shipments within Africa is high due to a small, weak, informal, fragmented and inefficient transport and logistics industry. Currently, shipping within Africa is more expensive than shipping from outside the region, and some flights connecting some African countries still fly out of the continent to arrive at the final destination (African Union, 2021). For example, in Uganda alone, at the company level, transport expenses alone account for 17.4% of the manufacturing firm's cost (Monitor, 2023), transport margins for industrial goods are estimated between 40%-50%, while the percentage of transport costs to the total cost of products in agriculture is estimated at 60%-70% (SGR Uganda, 2018). These challenges are not unique to Uganda alone. Currently, intra-African freight transport demand is heavily skewed towards road transport (77%), with rail's share close to 0% (UNECA, 2022) which increases the cost of transport given the limited tonnage that trucks can require. In terms of marine transport, coast-coast marine transport in Africa is not well developed and most of the vessels from Africa need to go to Singapore or to European ports to load more containers before travelling to the final destination in Africa. This is because African-owned ships account for about 1% of world shipping by number and about 0.9% by gross tonnage (Institute for Security Studies, 2020). It is not surprising that Kenya's first shipment of batteries under the AfCFTA GTI took six (6) weeks to travel from the port of Mombasa to the port of Tema, near Accra because the shipment passed through Singapore (Maurer, Magis, & Tammelleo, 2023).

It is important to underscore the factors behind the delays in delivery of shipments within Africa through maritime transport. Simply put, to date, there is not enough commerce to justify the use of larger ships to transport products directly from one African port to the next. Africa's contribution to global containerized trade remained relatively low in 2020, with container ports on the continent holding a 3.9% share of global container port traffic, compared to Asia with nearly two-thirds and Europe with 14.9% (UNCTAD, 2021a). It is therefore simpler for businesses to transport their products to a transshipment port in Asia or Europe, where they can obtain sufficient cargo bound for another African region. In addition, the longest times in port for container ships are generally in Africa, notably in Nigeria, Sudan and Tanzania, except for Morocco (UNCTAD, 2021b). The poor transport and logistics network has led to an increase in the cost of production and trade, lowering the optimal capacity utilization of manufacturing firms which subsequently reduces the profit margins for the private sector and limits the competitiveness of small actors e.g., MSMEs.

b) Prevalence of Non-Tariff Barriers (NTBs) and Disputes: NTBs, pose additional direct or indirect costs and time for the import and export of goods and constrain the competitiveness of traders. Moreover, they tend to hit harder on small and medium enterprises as they often lack the appropriate resources to deal with NTBs. For example, 80 NTBs including cumbersome domestic customs requirements and inadequate internal and cross-border infrastructure remain unresolved in both the Southern African Development Community (SADC) and Common Market for Eastern and Southern Africa (COMESA) (COMESA, 2023). At the East African Community (EAC) level, as of January 2024, there were 11 outstanding NTBs, with Uganda and Tanzania having imposed the highest number of NTBs i.e., 4 each, while Kenya and South Sudan had 1 each, with Rwanda and Burundi having not imposed any NTB on goods from other Partner States (EAC, 2024). It is estimated the direct costs of NTBs for the EAC amounted to USD16,703,970 and the total trade impact was at USD94,918,000 in 2022, decreasing trade by an average of 58% (EAC, 2023). One of the most notorious and prevalent dispute-cum-NTB is the Morrocco-Algeria border closure since 1994 that movement between the two largest economies in the Arab Maghreb Union (AMU) is only possible through daily flights between Casablanca and Algiers (African Union, 2021). It is unfortunate that goods need to transit between these neighbours through the French port of Marseilles when they could simply cross over by land. Numerous NTBs like trade blockages of dairy, poultry, sugar, and maize exports from Uganda by Kenya, and Rwanda-Uganda border closure for three (3) years, including the recent withdrawal of Niger, Burkina Faso and Mali from the Economic Community of West African States (ECOWAS) are all examples of NTBs that have hindered intra-Africa trade. It is therefore key to note that deepening trade in African RECs and the AfCFTA will largely depend on the ability of partner states in the RECs to easily monitor, detect, and resolve NTBs.

c) Limitations to Movement of Persons: This is another form of NTB limiting intra-African trade. The AfCFTA has been woven around a model where there is freedom of movement of goods but with limitations on the movement of persons, even when trade encompasses goods and services. For example, whereas the AfCFTA State Parties have agreed on commitments for services trade, only four (4) countries i.e., Rwanda, Niger, São Tomé and Principe, and Mali have ratified the Protocol on the Movement of People (African Union, 2024c). This begs the question of how trading in goods and services will occur under the AfCFTA with the current visa restrictions. While countries like Rwanda have done commendable efforts in removing all visa requirements for Africans travelling to Rwanda, others like Kenya are removing visa requirements while still putting in place measures that make it expensive for Africans to travel to Kenya. For example, instead of a visa, Kenya has put in place the mandatory Electronic Travel Authorisation (ETA) which African Nationals (except citizens of the EAC) will have to pay $34, submit flight and lodging bookings, and then wait for 72 hours to get the ETA (Kenya-eVisa.com, 2024). This cost can reach to $84 if you factor in the $49 service fee (Kenya-eVisa.com, 2024). Another example of limitation to intra-Africa services trade can be derived from the recently introduced Expatriate Employment Levy (EEL) by Nigeria. Launched on 27th February 2024, the EEL is a government-mandated contribution imposed on organizations which engage expatriate workers in Nigeria, subject to certain exemptions (Ajayi, 2024). Serving like a passport as every eligible expatriate will be required to present the EEL card at the time of exit and entry into Nigeria, the EEL's levy will be computed at $15,000 for every expatriate on director level and $10,000 for those on other levels (Ajayi, 2024). Such measures show indications to the challenges which the AfCFTA State Parties have to confront in order to effectively implement their services in trade liberalization commitments.

d) Multiple Rules of Origin (RoO) regimes at REC level: The AfCFTA RoO have to navigate the challenges of multiple RoO regimes which have contributed to the stagnation of intra-REC trade growth in the COMESA and SADC trading blocs. This is because these multiple RoO have been problematic during customs procedures for member states of both trade blocs in terms of which rules to apply. Moreover, the AfCFTA RoO have opted for a single Product-Specific Rules approach applicable to all State Parties which, although it represents a simplification, comes at the expense of differentiated rules that would have recognized the limited implementation capabilities of some countries. Indeed, this one size fits all approach is problematic for the private sector especially MSMEs who are at varying levels of readiness to comply with the cumulation requirements under the AfCFTA RoO, and may result in uneven reaping of the AfCFTA benefits. Therefore, as AfCFTA State Parties move from the design of RoO towards implementation it will be important to monitor whether all States operationalize both tariff preferences and RoO. It will also be important to understand the specifics of implementation of the RoO protocol and tariff preferences in each country and to undertake a review of the AfCFTA RoO with a view to making them foster regional integration, and simple and flexible to use by the continent's economic operators. Any such review process should build on the acquis of the already existing RECs' RoO, particularly those that have already been found to foster utilization of trade preferences under their respective FTAs. The different rules of origin and tariffs that apply to the different trade regimes do not help to foster integrated supply chains between countries. The risk is that, if care is not taken, this will deepen divisions between trade regimes among African countries, making African trade policy harmonization even more difficult.

e) Multiplicity and Overlapping Memberships: Multiplicity and overlapping membership of regional integration schemes and mandates have proven to be a key challenge to the effective implementation of regional integration in southern Africa. Indeed, multiple memberships constitute a real challenge in southern Africa especially when it comes to the establishment of certain integration instruments such as the free trade agreement (FTA) and the Customs Union (Luke, 2023). The FTAs and customs unions are also littered with carve-outs for sensitive products that challenge the expected norms, and eventually impose a huge burden on the limited administrative and financial capacities of the States concerned and lead to conflicting obligations (African Union, 2021). According to the OECD (2017), the multiple memberships of SADC countries in different free trade areas have increased the difficulty for customs officers to establish the precise preferential tariffs applying to each product (OECD, 2017). It also explains why most Member States find it difficult to adequately meet financial obligations to integration schemes and the failure of such schemes to effectively implement their programmes, policies and projects (African Union, 2021; Luke, 2023). While the AfCFTA has the potential to address the multiplicity of memberships, this will also depend on the extent to which southern African RECs member states cease to seek membership into new RECs. Moreover, this will spur coherent regulatory policies across many sectors (e.g., tax, finance and investment) to allow the creation of an integrated market, ultimately increasing the predictability and legal certainty of entrepreneurial activity. The advancement of the Tripartite FTA and its full implementation will also go a long way in mitigating the challenge of multiple membership.

f) Similarity in Trade Basket of Goods: A key hurdle lies in the similarity of goods produced across AfCFTA State Parties. Indeed, while trade liberalization as envisaged under the AfCFTA generally fosters exchange, a preponderance of similar goods is likely to create a paradox. Limited economic diversification narrows the range of intermediate and final goods that can be traded and potentially inhibits the fuller development of regional value chains. The primary commodity dependence (Commodities account for more than 60% of total merchandise exports in 45 of the 54 countries in Africa (UNCTAD, 2022b)) which defines Africa's production and trade has led to competition rather than cooperation, which may be exacerbated by the liberal nature of the AfCFTA. Imagine two nations primarily exporting raw materials like copper. With tariffs eliminated, the incentive to trade with each other dwindles – they're essentially offering mirror images. This homogeneity can stifle the very trade growth the AfCFTA seeks. One of the major causes of NTBs prevalence in intra-Africa REC trade is the homogeneity of products which has led to countries imposing restrictions on imports to promote their domestic sectors. Without exploring measures for developing regional value chains, trade wars and NTBs may remain an impediment to the realization of AfCFTA's aspirations of increasing intra-African trade.

g) Gaps in Labour Provisions: Advocates for trade-linked labour standards aim to halt a 'race to the bottom' in which national labour conditions are reduced in an attempt to lower production costs, expanding international trade and competition. Outcomes of a FTA like the AfCFTA can either positively or negatively affect the livelihoods of workers along the production value chain. For example, under tariff concessions, opening up of certain agricultural products, if poorly done and without addressing production capacities and competitiveness challenges at national level might affect competitiveness of local agro-processors by subjecting them to competition from cheaper products of other well-established firms, which will in the end affect the workers employed in these factories through retrenchment, low wages, and reduced workers' benefits. Furthermore, under trade in services, liberalization concessions without developing domestic capacities, and without strong labor provisions might not only affect workers (regarding jobs losses), but may also hinder innovation and skills transfer, which are critical in enhancing human resource.

To some extent, the AfCFTA should be commended for acknowledging the need to "contribute to the promotion of human rights and international labour standards, including through provisions on transparency and corporate social responsibility/responsible business conduct" as clearly pointed out under the guiding principles of the AfCFTA Protocol on Sustainable Investment. Furthermore, under the AfCFTA Protocol on Investment, the African Union makes effort both in mainstreaming labour rights issues but also in inclusion of a dedicated Labour Chapter to the Protocol. However, to a larger extent, whereas the imminent dangers of AfCFTA on labour rights are profound, a closer analysis of the current AfCFTA agreement and its related Annexes and Protocols reveals that neither does it include any labour provisions nor make any reference to the globally recognized International Labour Organization (ILO) decent work agenda. Indeed, even with the draft Investment Protocol, there are several gaps when it comes to labour provisions, including a lack of a labour rights enforcement mechanism, and weak language on labour rights (the language has been crafted to be more "best endeavour" than binding and obligatory for States to enforce).

h) FTAs with Third Parties: The pursuit of national interests has been the major obstacle to regional integration in Africa, which subsequently threatens effective trading under the AfCFTA regime. While AfCFTA negotiations have been ongoing and implementation is still at its infancy, the pursuit of FTAs with third parties by individual countries, even at the peril of regional integration in the RECs where they fall is likely to hamper AfCFTA implementation. A classic example is how the Economic Partnership Agreements (EPAs) between Kenya and the European Union (EU) and the United Kingdom (UK) respectively are undermining the EAC Common External Tariff (CET). Whereas the new EAC CET on imported alcoholic beverages including wine and whiskey has been capped at 35% to promote local production, the tariff for wine and whiskey under Kenya-EU, and Kenya-UK EPA respectively has been capped at 25% (Economic Intelligence, 2024). This contradiction puts Kenya in an untenable position concerning how to meet her commitments under the two EPAs without undermining the EAC CET. Another example is the Kenya-United States (US) Strategic Trade and Investment Partnership (STIP) negotiations which Kenya is pursuing in order to allow continued duty and quota free access for Kenyan goods into the US post the African Growth and Opportunity Act (AGOA). In its ruling delivered on 2nd December 2022, the East African Court of Justice (EACJ) declared that Kenya, through the acts and omissions of entering into, negotiating and or intending to negotiate an FTA with the US violated its commitments to the community, specifically the principles of rule of law, transparency and cooperation for mutual benefit guaranteed under Articles 6 and 7 of the EAC Treaty (Khandwalla, 2023). Further noting that Kenya's actions and or omissions of negotiating and or intending to negotiate an FTA with the US violated Article 37 of the Common Markets Protocol and Article 37 of the Customs Union Protocol, the EACJ declared the US-Kenya STIP negotiations illegal, null and void (Khandwalla, 2023). Negotiating FTAs with third parties at a young stage of the AfCFTA contradicts the spirit of cooperation and unity that AfCFTA espouses and hampers the development of common values.

i) Rushed Negotiations and Hollow Protocols: One of the key reasons why the AfCFTA has failed to take off is because of the rushed nature of negotiations. The pace of the negotiations has led negotiations to focus on meeting political deadlines rather than addressing the core issues in the AfCFTA and its Protocols. For example, the major reason why trading under the AfCFTA failed to commence was because trading was expected to commence when negotiations on tariff offers for goods and services were still ongoing. It is this same logic of rushing to conclude negotiations and adoption of texts which are void of core provisions that has been adopted in the negotiations of different AfCFTA Protocols. For example, although already adopted, the Protocol on Intellectual Property Rights (IPRs) has eight (8) annexes which have to be developed at a later stage. The same can be said of the Protocol on Investment (2 Annexes), and Digital Trade (7 Annexes). The result has been an agreement and its protocols which have outstanding annexes yet these form the core of the AfCFTA. Table 4 below illuminates the outstanding Annexes under the Protocols.

Digital Trade Protocol	• Rules of Origin; Cross-Border Digital Payments; Cross-Border Data Transfers; Criteria for determining the legitimate reasons for Disclosure of Source Code; Digital Identities; Financial Technology; Emerging and Advanced Technologies; Online Safety and Security
Invesment	• Establishment of the Pan-African Trade and Investment Agency; Rules and Procedures governing Dispute Prevention, Management and Resolution; Investor-State Dispute Settlement
Intellectual Property Rights	• Plant Variety Protection; Geographical Indications; Marks; Copyright and Related Rights; Patents; Utility Models; Industrial Designs and Models; Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources

Table 4. Outstanding Annexes on Protocols currently being negotiated. Source: Author's compilation

j) High Donor Dependence: Inadequate resourcing and high donor dependency by RECs Secretariats is a big challenge to regional integration in southern Africa. One major reason for the slow or failed implementation of regional projects and programmes is a lack of resources. Over dependence on foreign aid to finance 60% (Obura, 2023) of African Union programmes is slowing progress in development of effective capacity to deliver Pan-African transformation, and on implementing the AfCFTA initiatives e.g., the AfCFTA Adjustment Fund which has obtained only $1 billion from the Afreximbank out of the required $8-10 billion over the next six to ten years (African Union, 2022) which is the estimated requirement for the uninterrupted implementation of the AfCFTA Agreement and to eliminate the adjustment cost. While State Parties may be accused of failure to commit resources to finance regional projects and programmes, sometimes, these resources are just not available. This has resulted in an overreliance on donors and international financing institutions which, to date, have contributed the bulk of the funding for the activities of most RECs and the African Union (African Union, 2021; Luke, 2023). This means that although most Member States have been independent for 50 years or more, they still rely primarily on European donors to finance their integration agenda. This affects the implementation of AfCFTA commitments.

The above are some of the core limitations to intra-African trade under the AfCFTA. The translation of AfCFTA opportunities into tangible socioeconomic benefits is contingent on the containment of a set of risks and on addressing the above implementation challenges. At the onset, there has been contestations among African Union Member States on how to agree on rules that will serve not only the diverse immediate interests of Member States but also the broader picture of economic transformation in Africa. Related to the rules are weak productive bases of most African economies and with few sectoral linkages between countries. Hence the rules must be appropriately defined to suit the African reality. The following section attempts to generate possible recommendations that can be sought to ensure that the AfCFTA works for all. Specifically, these recommendations can be considered during the review of the AfCFTA upon its fifth anniversary.

7. CONCLUSION AND RECOMMENDATIONS

There are three major categories of obstacles to intra-African trade, namely, weak productive capacities and limited economic diversification, which constricts the range of intermediate and final goods that can be traded and potentially inhibit the fuller development of regional value chains; tariff-related trade costs, associated with the slow implementation of the tariff liberalization schedules underpinning free trade agreements; and high non-tariff-related trade costs that hamper the competitiveness of firms and economies by increasing the cost of African trade by an estimated 283% (UNCTAD, 2019). These are aspects which the AfCFTA has to address to promote a transformative development agenda in Africa. African Heads of State launched the AfCFTA in the context of continuing and worsening crises in the global economy which have played havoc with the lives of ordinary people in Africa and the world over. These crises have served to highlight once again the untenable situation of African countries due to their subordination in the global economy as primary commodity export dependent economies – a situation inherited from their colonial past but reinforced by decades of the application of neoliberal free market policies. The AfCFTA is meant to contribute to put an end to this situation, i.e., to be an instrument for the transformation and integration of Africa's economies driven by and meeting the needs and aspirations of all their peoples.

The aspirations for Africa's transformation and integration envisaged in the AfCFTA and its associated Protocols must depart from the one-size-fits-all approaches of the neoliberal structural adjustment era. Instead, they must be sensitive to the particular situations and needs of different social groups, including along lines of gender, class, ethnicity, and other status. Furthermore, regard must be paid to the differences among countries in different situations, including taking into account the specific realities of post-conflict countries. The AfCFTA's vision is still confronted with strong trade winds which it has yet to manoeuvre in order to avoid stalling. Africa's experience of thirty years of failure in the application of the so-called free market policies of neoliberalism shows that the process of economic transformation and regional integration and the policies required cannot be left to the free-working of market forces. Rather, they require the conscious, purposive and systematic role of the state, through a public sector that creates the appropriate regulatory and supportive framework for African enterprises as well as direct economic role in strategic areas.

It should also be noted that focus of tariff and regulatory restrictions appears to be at the expense of any serious efforts to co-ordinate and integrate even the other minimal measures related to productive capacity, infrastructure, etc., that was identified as part of the programme of Boosting Intra-African Trade (BIAT) that was adopted as a necessary counterpart in the launch of the AfCFTA. In short, it would appear that the same one-size-fits-all measures of trade liberalisation that have been experienced in the past are now being applied in an African setting, with the hope that it will somehow yield different results. An AfCFTA of this nature will not fulfil the expectations of economic transformation and integration for which it was launched. On the contrary, it will simply contribute to creating a bigger African market for further domination by foreign products and investors over African products and investors, and bigger producers over smaller ones. In light of the above, the following measures should be considered during the review of the AfCFTA after its 5th anniversary:

i. Scale up infrastructure projects earmarked under the Program for Infrastructure Development in Africa (PIDA) to facilitate intra-Africa trade: Simulation models which depict the benefits accruing to the AfCFTA ought to be taken with a pinch of salt as they do not consider other extrinsic factors affecting trade performance. For example, reliable infrastructure for transport and logistics is an important pre-condition to harness the projected benefits of the AfCFTA. The AfCFTA requires 1,844,000 trucks for bulk cargo and 248,000 trucks for container cargo by 2030 and is projected to increase to 1,945,000 and 268,000 trucks respectively (UNECA, 2022) if planned infrastructure projects are also implemented. The largest demand for trucks to support AfCFTA is within West Africa (39%); demand from West to Southern Africa is 19.8% and from Southern Africa to Western Africa by 9.9% (UNECA, 2022). In terms of rail transport, intra-African freight transport demand is heavily skewed towards road transport (77%), with rail's share close to 0% (UNECA, 2022). Nevertheless, whereas Africa's rail transport infrastructure is inadequate at the moment, implementing planned projects under PIDA is projected to increase the network by almost 26,500 km (UNECA, 2022).

Therefore, in order to reduce the cost of intra-African trade logistics, African transport policies to expand the rail network should be expedited. This should be complemented with an adequate number of railway wagons. Current simulations show that the AfCFTA requires 97,614 wagons for bulk cargo and 20,668 wagons for container cargo by 2030, a number likely to increase to 132,857 and 36,482 wagons respectively if planned infrastructure projects are also implemented (UNECA, 2022). With regards to maritime transport, the AfCFTA requires 126 vessels for bulk cargo and 15 vessels for container cargo by 2030 (UNECA, 2022). Investment in infrastructure is therefore critical if regional integration schemes i.e., SADC, COMESA and AfCFTA are to promote inclusive intra-African trade and investment. Addressing the infrastructure gaps will in essence mean addressing one of the biggest obstacles to realising the AfCFTA's full economic potential, as better transport infrastructure that makes local, national and regional journeys easier is vital for fostering trade across the continent.

ii. Put in place a Simplified Trade Regime (STR): A STR is a special arrangement which aims to simplify and streamline the documentation and procedures for the clearance of low-value consignments of small cross-border traders, at the same time enabling them to benefit from the preferential trading environment (Mudzingwa, 2022; Luke, 2023). The *raison d'être* of the STR is to facilitate small-scale cross-border trade, by way of simplified clearance procedures (such as forgoing the requirement for a certificate of origin) for low-value consignments (for example, usually less than US$2,000) on applicable products. Traders still have to pay VAT, and excise duty, obtain immigration documents and comply with a range of standards to benefit from the STRs (Luke, 2023). The STR reduces costs for small traders and reduces the time of crossing the border by the use of a simplified Certificate of Origin and a Simplified Customs Document (SCD) as well as simplified customs clearance procedures (Luke, 2023). The STR should be one of the best initiatives that the AfCFTA can emulate if it is to realize an inclusive trading regime i.e., one that works for small cross-border traders, the majority of whom are women and youth. To realise this, the AfCFTA Secretariat in partnership with the respective RECs Secretariats should publish the list of products eligible for respective STRs, build the capacity of traders and customs officials in the implementation of STRs, publish the STR documentation including in the languages understood by the women and small-scale traders.

iii. Put in place mechanisms to identify, report, monitor and eliminate NTBs: Due to the persistence of NTBs, intra-Africa trade and supply chains are disrupted by protectionist policies and inward-looking measures affecting businesses and industries at the expense of consumers, raising costs and reducing productivity. The United Nations Trade and Development (UNCTAD) estimates that NTBs are at least three times more restrictive than regular customs duties, and if tackled at the continental level, African countries could gain US$ 20 billion each year, three to four times more than the gains expected from eliminating intra-African tariffs (UNCTAD, 2022a). Therefore, efforts to identify, report and monitor the elimination of NTBs should be fast tracked.

iv. Address weak production capacities and product diversification: Weak production capacities have also resulted in low utilization of the available regional markets by the private sector due to limited capacity to sustainably meet the product standards and volume demands. Therefore, addressing supply-side constraints and weak productive capacities is a policy imperative in Southern Africa to boost intra-regional trade through the development of a regional value chain. In order for the private sector to maximize the opportunities therein, the AfCFTA implementation in southern Africa should be accompanied by the building of productive capacities, the acceleration of structural transformation and the unleashing of the potential of the private sector in the region. In terms of similarity of products, by addressing product similarity, the AfCFTA can evolve from a tariff reduction agreement to a true driver of African economic transformation. This is because countries that have more diversified exports tend to have higher shares of intra-African exports than countries that have less diversified exports (UNCTAD, 2019). Diversifying the range of goods produced within countries in Africa creates greater possibilities for intra-regional trade. Without adequate levels of product diversification and competitiveness, the expected benefits of rules of origin may be diminished, given that producers in Africa may find it cheaper to source inputs abroad or find it difficult to source the inputs they need within the relevant regional trade area to engage in production.

v. Integrate labor rights in AfCFTA main agreement: The AfCFTA should contain effectively enforceable commitments on workers' rights to ensure respect for fundamental ILO conventions including on freedom of association and against child labour and forced labour. This is crucial to prevent a 'race to the bottom' in which national labour conditions are reduced in an attempt to lower production costs so as to expand international trade and competition. Apart from including labour standards in the AfCFTA, State Parties will have to decide for themselves how they monitor and implement their own standards in trade. In order to effectively realize this, Trade Unions should be involved in the monitoring of the government's adherence to labour standards. This will also require a Pan-African template that deals with trade-related social standards in intra-African trade, as it would create a *fait-accompli* for trading with the rest of the world.

vi. Build on the existing RECs' acquis to implement RoO: As AfCFTA State Parties move from design of RoO towards implementation it will be important to monitor whether all States operationalize both tariff preferences and RoO. It will also be important to understand the specifics of implementation of the RoO protocol and tariff preferences in each country and to undertake a review of the AfCFTA RoO with a view to making them foster regional integration, and simple and flexible to use by the continent's economic operators. Any such review process should build on the acquis of the already existing RECs' RoO, particularly those that have already been found to foster utilization of trade preferences under their respective FTAs.

vii. Halt negotiation of FTAs with third parties: In addition, during the 31st AU Summit held in Mauritania (2018), Heads of State and Government urged Member States to abstain from entering into bilateral trading arrangements until after the entry into force of the agreement establishing the AfCFTA (African Union, 2018b). AfCFTA State Parties should respect the spirit and letter of their decisions to have a unified approach while dealing with third parties. To achieve social integration and facilitate trade in goods and services the RECs and AfCFTA State Parties should address the structural issues of ceding national interests to regional interests to bolster the regional integration project which is largely a factor of political will.

viii. Reduce reliance on donors: Reliance on donors distorts priorities since they influence what projects to finance as well as make inputs into programme design and policy formulation which then means that African RECs/States implement donor/European priorities as opposed to their own. Furthermore, without assured resources, it is not possible to plan for the future; a problem that the AfCFTA and all RECs face. Indeed, currently, many RECs have Secretariats that are responsible for coordinating the implementation of the regional integration agenda but have difficulty in carrying out their mandated responsibilities because they have weak institutional capacity, inadequate human resource capacity and are under-resourced and heavily reliant on donor financing (African Union, 2021; Luke, 2023). Therefore, African RECs and the AfCFTA State Parties should seek alternative measures to internally finance their regional integration scheme to ensure the independence of the Secretariats and their effectiveness in the delivery of their mandate. One of the immediate measures should be to implement the Kigali Financing Decision of 2016 where Member States agreed to introduce a 0.2% levy on all eligible imported goods into the continent (Apiko & Miyandazi, 2019), and the levies generated would be transferred to the AU to pay for its operational, programme and peace support operations.

In conclusion, while the operationalisation of the AfCFTA means that Africa is ready for business, more needs to be done to make the AfCFTA work; this goes beyond ratification. Goods to be traded, infrastructure, and a conducive environment should be in place. The continent needs regional integration to broaden its market and attract foreign investment; Africa's failure to attract a fair share of global investment, in spite of its rich endowment of natural resources, has been largely due to the perception of the continent as the world's riskiest place to do business (African Union, 2021). The high risks of doing business derive not only from the high incidence of conflicts and political instability and the good governance deficit but also from high business costs associated with the inadequacy of transport, communications and power infrastructure. A well-designed and effectively implemented regional integration process can help to address these problems. The focus of the AfCFTA on across-the-board tariff elimination and deregulation of services must be counter-balanced with more attention to industrial and other policies to build domestic productive capacity. Furthermore, rather than fast-tracking the AfCFTA on its own, there must be proper sequencing of any liberalisation measures with constructive policies to strengthen productive capabilities in African economies, build domestic enterprise and promote the rights and social protection of workers, farmers, traders, women and all other citizens.

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